

## INSURANCE.

**Theo. H. Davies & Co**  
(Limited.)  
AGENTS FOR FIRE, LIFE AND  
MARINE INSURANCE.

**Northern Assurance Company**  
OF LONDON, FOR FIRE AND  
LIFE. Established 1803.  
Accumulated Funds .... £3,975,000.

**British and Foreign Marine Ins. Co**  
OF LIVERPOOL, FOR MARINE.  
Capital ..... £1,000,000  
Reduction of Rates.  
Immediate Payment of Claims.

**THEO. H. DAVIES & CO., LTD**  
AGENTS.

**IMPERIAL LIME**  
99 15-100 Per Cent Pure.

The very best Lime and in the  
best containers.

In Lots to Suit.

Low Prices.

**CALIFORNIA FEED CO.**  
AGENTS.

**CASTLE & COOKE CO., Ltd**  
HONOLULU.

Commission Merchants

## SUGAR FACTORS.

AGENTS FOR  
The Ewa Plantation Company.  
The Waialua Agricultural Co., Ltd.  
The Kohala Sugar Company.  
The Waima Sugar Mill Company.  
The Fulton Iron Works, St. Louis, Mo.  
The Standard Oil Company.  
The George F. Blake Steam Pumps.  
The New England Mutual Life Insurance  
Company, of Boston.  
The Aetna Fire Insurance Company,  
of Hartford, Conn.  
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The Famous Tourist Route of the  
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Tickets are Issued

To All Points in the United States  
and Canada, via Victoria and  
Vancouver.

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Banff, Glacier, Mount Stephens  
and Fraser Canon.

**Empress Line of Steamers from Vancouver**  
Tickets to All Points in Japan, China,  
India and Around the World.

For tickets and general information  
apply to

**THEO. H. DAVIES & CO., LTD.**  
Agents Canadian-Australian S. S. Line,  
Camp to P. to Railway

**JUDGMENT FOR  
INCOME TAXES**

Judge Dickey heard about thirty tax  
cases yesterday. They were suits  
brought by Assessor Pratt against peo-  
ple who failed to pay their income  
taxes. W. S. Fleming prosecuted the  
suits for the Attorney General's De-  
partment. In all of the cases there  
was a default and Judge Dickey entered  
judgment for the amount of the tax  
and also cost of advertising, penalty,  
interest and costs of court.

A Remarkable Specimen.—"Oh, pro-  
fessor, I saw such a curious old fossil  
in the museum today. I thought of you  
at once."—Boston Globe.

## BLISS WAS VERY BRIEF

The Bride Mistreated on  
Her Wedding  
Day.

Marriage was a dire failure for Car-  
oline Frieda Kaubbe, if the allegations  
in a divorce bill filed yesterday are  
true. She was only married to Louis  
Knubbe a little more than a month  
ago and says that he began to mistreat  
her the very day of their marriage.

The libel sets out that they were mar-  
ried by Rev. W. Felmy in Honolulu on  
October 1st of this year. The com-  
plaint then alleges:  
"That the libellee on and since the  
first day of their marriage has been  
guilty of extreme and brutal cruelty  
towards this libellant at divers and  
sundry times, to wit, on the 1st day  
of October, 1903 (the wedding day),  
said libellee did assault libellant by  
seizing and beating her and in other  
ways ill-treating her whereby she suf-  
fered great bodily and mental suffer-  
ing. That on to-wit the 25th day of  
October, 1903, the said libellee did cru-  
elly and brutally assault said libellant  
by throwing her down and brutally  
ill-treating her." Further brutal treat-  
ment is alleged on the 21st of October,  
and complainant finally left her hus-  
band on the 11th of November, going  
to live with her aged parents.

The libel further sets out that the  
libellee is employed as a mechanic at  
the Honolulu Iron Works, earning a  
good salary and is able to provide  
for the libellant. Absolute divorce and  
alimony are asked.

**REGISTERED MAIL  
WAS DESTROYED**

A bag of registered mail was de-  
stroyed in the California wreck of a  
month ago, some of it sent by Honolu-  
lu parties. The local inspectors are  
now getting evidence of the contents  
and value of the packages burned in  
the destruction of the mail coaches, to  
be sent to Washington. The new post-  
al regulations provide an indemnity  
up to \$25 for destroyed registered  
mail, and the Department makes good  
all losses under that amount.

**SOLACE MAY HAVE  
AMMUNITION**

It is expected that the naval trans-  
port Solace which has been ordered to  
join the Asiatic fleet at Honolulu will  
bring ammunition for the vessels in  
the squadron.

It will be remembered that just prior  
to the Spanish war the Mohican was  
ordered to Honolulu in a hurry. She  
was supposed to have ordinary stores  
aboard, but the cruiser Baltimore came  
soon from Yokohama and took aboard  
a good many tons of ammunition for  
Dewey's fleet, then rushed back to the  
Asiatic station joining the fleet again  
at Hongkong. The ammunition came  
in handy at the famous battle of Ma-  
nila.

**STEAMSHIP WAR  
STILL CONTINUES**

The Tokyo Asahi reports that the  
Nippon Yusen Kaisha and some Ameri-  
can steamship companies have lowered  
their freightage on fancy matting and  
miscellaneous goods bound for Ameri-  
ca to one cent per pound and \$8 per  
ton respectively. This step was di-  
rected, the paper adds, against the  
Pacific Mail Steamship Company, the  
Occidental and Oriental Steamship  
Company and Toyo Kisen Kaisha,  
which even at this time when their  
competition with the China Merchant  
Steamship Company has practically  
come to an end, continue to enforce a  
reduced freightage for America to the  
detriment of the other companies.

**MARINE GUARD  
FOR HONOLULU**

The Navy Department has called for  
one hundred marines to go to Honolulu  
and for thirty for duty in Samoa.  
These were well nigh ready for leaving  
when the troubles on the Isthmus  
broke out and a hurry call was sent  
for marines. As a result is now im-  
possible to send more than one hun-  
dred marines to Honolulu without  
stripping the barracks at home. In  
the Philippines Rear Admiral Robley  
D. Evans, commander of the Asiatic  
Station, has repeatedly advised the  
Navy Department that the Far Eastern  
situation demands the retention  
at Olongapo of a force of at least one  
thousand five hundred marines. Under  
the present conditions this is im-  
possible. A force of sixty-five marines  
will leave San Francisco for Guam  
early in December. How soon it will  
be necessary to call on Congress to  
relieve the situation is not certain, but  
officers of the Army and the Navy  
alike agree that such an increase  
should soon be authorized if the im-  
portant work which has devolved upon  
the Marine Corps in the past be ex-  
pected of them in the future.—Army  
and Navy Journal.

Mrs. A.—"Your husband smoking  
again! Why, I thought you insisted  
that he should give it up." Mrs. Z.—  
"I did, dear, but then I found such a  
pretty smoking-jacket at a bargain  
sale."—Chicago Daily News.

## TAKEN IN BATTLE

THE THRILLING EXPERIENCE OF  
CAPTAIN WESTBROOK.

For a Year After His Capture He Was  
Moved From One Prison to Another  
and Was Finally Exchanged.

A Confederate force under command  
of Brigadier-General John A. McAus-  
land had attacked on July 3rd, 1864, a  
blockhouse ten miles west of Martins-  
burg, W. Va. Captain N. S. Westbrook  
with the remnants of Companies B and  
F of the 125th Ohio Volunteers, made a  
gallant defense, but when a six-gun  
battery was brought to bear upon his  
position further resistance became a  
useless sacrifice of life. For a year  
after his surrender, Captain West-  
brook, who now lives at Ripley, Ill.,  
was confined in Southern prisons. In  
telling his experience, he says:

"They took me from one place to an-  
other till I had been in nearly all the  
prisons of the Confederacy and, by the  
time I was exchanged at Annapolis in  
the spring of 1865, I was reduced to a  
physical wreck. The exposure caused  
sciatic rheumatism which became  
chronic and did not leave me until  
thirty years afterward when I took  
Dr. Williams' Pink Pills for Pale Peo-  
ple and was cured.

"The disease affected my entire sys-  
tem. In addition to the agonies of the  
rheumatism I had indigestion in its  
worst form, together with kidney trou-  
ble and heart failure. I was getting  
thoroughly used up."

"How did you come to take Dr. Wil-  
liams' Pink Pills?" was asked.

"A neighbor of mine, James M. Stout,  
was cured of rheumatism by this rem-  
edy when he was so bad that he could  
not straighten up. So I thought what  
cured him would cure me. And I was  
right."

Rheumatism is a disease of the blood.  
External applications may afford tem-  
porary relief, but to cure the disease it  
is necessary to treat it through the  
blood. Dr. Williams' Pink Pills for  
Pale People go directly to the seat of  
the disorder, purifying and enriching  
the blood by eliminating poisonous ele-  
ments and renewing health-giving  
forces. They are a positive specific not  
only for rheumatism, but for all dis-  
eases arising from poor blood or weak-  
ened nerves. They are sold at fifty  
cents a box, or six boxes for two dollars  
and a half, and may be had from all  
druggists or direct by mail from Dr.  
Williams Medicine Company, Schene-  
ctady, N. Y.

**GAELIC MAIL TO BE  
HELD FOR FLEET**

Admiral Terry yesterday received  
from Admiral Evans, commanding the  
Asiatic squadron, a cablegram request-  
ing that mail for the vessels of the fleet  
coming to Honolulu be taken from the  
Gaelic which is due from San Francisco  
Tuesday. Admiral Evans cables the  
names of the battleships Kentucky,  
Oregon and Wisconsin, and the cruis-  
ers New Orleans, Albany, Raleigh and  
Cincinnati as the vessels for which he  
wants the mail held, giving the first  
official information of what warships  
are coming to Honolulu.

It is the opinion about the naval sta-  
tion that the fleet has either sailed for  
Honolulu or will leave Yokohama with-  
in a day or two. It is the custom to  
send the notification regarding the  
mail only the last thing before sailing.  
To get here December 15th the fleet will  
have to get away within a very short  
time.

The official navy list gives the per-  
sonnel and equipment of the seven ves-  
sels comprising the fleet coming to Ho-  
nolulu as follows:

Rear-Admiral Robley D. Evans, com-  
mander-in-chief.  
Lieut. Frederick L. Chapin, Flag  
Lieutenant.  
Lieut. Thomas Washington, Aid.  
Lieut. (junior grade) Frank E. Evans,  
Aid.

Kentucky—(Flagship of Commander-  
in-Chief)—First class battleship, 22  
guns, 11,525 tons, 12,318 horse-power,  
twin screws. Captain Robert M. Berry,  
commanding.

Wisconsin—(Flagship of Commander  
of Northern Squadron)—First class  
battleship, 18 guns, 11,525 tons, 10,000  
horse-power, twin screws. Captain  
Will Seabee, commanding.

Oregon—First class battleship, 16  
guns, 10,288 tons, 11,111 horse-power,  
twin screws. Captain William T. Bur-  
well, commanding.

New Orleans—Protected cruiser, 10  
guns, 3,437 tons, 7,500 horse-power, twin  
screws.

Albany—Protected cruiser, 10 guns,  
3,427 tons, 7,500 horse-power, twin  
screws. Commander John A. Rodgers,  
commanding.

Raleigh—Protected cruiser, 11 guns,  
3,213 tons, 10,000 horse-power, twin  
screws. Commander Arthur P. Nazaro,  
commanding.

Cincinnati—Protected cruiser, 11 guns,  
3,213 tons, 10,000 horse-power, twin  
screws. Commander Newton E. Mason,  
commanding.

A SORE THROAT may be quickly  
cured by applying a flannel bandage  
dampened with Chamberlain's Pain  
Balm. A lame back, a pain in the  
side or chest, should be treated in a  
similar manner. For sale by all deal-  
ers and druggists. Benson, Smith &  
Co., Ltd., Agents for Hawaii.

Considerate.—"We'd like to have you  
stay a little longer, Bridget."

"O'd loike to meself, mum, but how  
w'd the employmint agencies make a  
living if we cooks didn't move once in  
a while?"—Woman's Home Companion.

A Progressive.—Teacher: "Now then,  
what do we mean by composition?"  
Little Girl (eagerly): "Please, Miss,  
composition is the art of bringing sim-  
ple ideas into complication."—London  
Punch.

## INSURANCE LAW FIGHT

Fidelity Co. Does  
Not Accept  
Ruling.

Deputy Insurance Commissioner Geo.  
E. Smithies is in controversy with the  
Fidelity Insurance Co. regarding its  
purported compliance with the insur-  
ance law of last session of the Legis-  
lature. It is in the matter of the pro-  
vision that every insurance company,  
before doing business in this Terri-  
tory, shall have at least \$50,000 paid-  
in capital, which is construed to in-  
clude available assets to that amount.  
In the return of the Fidelity its assets  
are given as follows:

Reality ..... \$ 69,412.50  
Sundry property ..... 47,000.48

Total ..... \$116,412.98  
Mortgage on property ..... 15,000.00

Net value of assets ..... \$101,412.98

Deputy Smithies investigated this  
valuation with the result here shown  
as his estimate of the Fidelity's actual  
standing:

Reality ..... \$49,728.00  
Sundry ..... 3,728.83

Total ..... \$53,456.83  
Mortgage ..... 15,000.00

Net value of assets ..... \$38,456.83

Amongst the reality are many Kaimuki  
lots, and the sundry includes  
shares of the Honolulu Investment Co.  
The latter is put down as worth \$80 a  
share by the Fidelity Co., but outside  
holders of shares cannot sell the stock  
for a tenth of that price. The Fidelity  
Insurance Co.'s articles of incorpora-  
tion, filed in March last, gives its cap-  
ital stock at \$50,000 with the privilege  
of increase to one million. Emmett  
May held 4960 shares of a par value of  
\$10 each, while ten shares each were  
held by A. V. Gear, W. R. Farrington,  
W. M. Minton and Thomas E. Wall.  
Three weeks after incorporation the  
company notified Treasurer Kepoakali  
of an increase of capital to \$200,000,  
and on July 15 notice was given that  
5000 more shares had been subscribed,  
making \$100,000 subscribed, of which  
\$55,000 was paid up.

From the following letters it will be  
seen that the company sets up the con-  
tention that its business of giving se-  
curity on bonds is not insurance, there-  
fore not subject to the provisions of the  
insurance law, also notifying the  
Deputy Commissioner that it will not  
do any insurance business under his  
certificate of authority:

Honolulu, H. T., Nov. 23rd, 1903.  
Mr. Geo. E. Smithies, Deputy Insur-  
ance Commissioner, Honolulu.

Dear Sir: We beg to call your atten-  
tion to the fact that going on Bonds  
or issuing Surety Bonds on individuals  
is not insurance, and therefore any  
Surety on Bonds we may wish to ex-  
ecute or become responsible for on any  
individuals does not come under, or is  
it subject to the provisions of Act 69:  
"An Act to Regulate and License In-  
surance Business in this Territory."

A Surety Bond is not insurance un-  
der any sense of the definition of the  
word and cannot be construed as such  
under this law, if it is, then every per-  
son or corporation in the Territory be-  
coming Surety on the Bonds of individ-  
uals is violating the law and would  
come under the provisions of this Act  
69.

Yours truly,  
THE FIDELITY INSURANCE CO.,  
LTD. By Emmett May.

Honolulu, H. T., Nov. 27th, 1906.  
Mr. G. E. Smithies, Deputy Insurance  
Commissioner, Honolulu.

Dear Sir: Your communication of the  
19th inst., in reference to The Fidelity  
Insurance Co., Ltd., in which you state  
that the payment of capital, invest-  
ment of moneys and methods of doing  
business of said company are not in  
accord with the requirements of Act  
69 of the laws of 1903, was received on  
the 25th inst.

In reply will state that we contend  
we have complied with all the require-  
ments of said Act.

Payment of Capital: Section 7, re-  
quires not less than one hundred thou-  
sand dollars subscribed capital, of  
which fifty thousand dollars be paid in  
in cash before the issuance of any  
policy of insurance. This we have  
complied with as will be shown by our  
books and the minutes of our meetings.  
You have already admitted that we  
have complied with the provisions of  
Act 69, as will be shown by your Cer-  
tificate of Authority issued to us on  
Oct. 1st, 1903, which was issued under  
the requirements of "Section 4. The  
Commissioner shall issue to any insur-  
ance company or corporation a Certi-  
ficate of Authority to transact business  
in this Territory under the following  
conditions:

"First: If a Company or Corporation  
organized under the laws of this Terri-  
tory, when he is satisfied that the  
provisions of this Act in relation to  
such Company or Corporation have  
been complied with."

If you were not satisfied that we had  
complied with the provisions of this  
Act at the time you issued us a Cer-  
tificate of Authority, then you have  
violated the law yourself which action  
on your part is liable to cause us great  
injury, damages and expense, and we  
hereby notify you that any action by  
you or the Insurance Commissioner of-  
ficially or otherwise is liable to injure  
our company and that we will hold you  
responsible for any damages you may  
cause our company to sustain.

You cannot claim that our capital or  
assets have become impaired since Oct.  
3rd, 1903, on the contrary it has en-  
hanced in value.

The Rapid Transit has been complet-  
ed since Oct. 3rd and is now running  
to Kaimuki Tract, which has increased

the value of all our property in such  
tract.

The Rapid Transit is also running on  
Alakea street, and a large building  
and mercantile house has recently been  
finished which is located near our Alakea  
street property, thus enhancing the  
value of same.

Under this head we beg to call your  
attention to Section 10, providing for  
the increase of the capital stock of a  
company formed after the passage of  
this Act, etc., and goes on to say  
"Provided that said increase in capital  
stock shall be fully paid in legal tender  
money of the United States."

In Section 7, a company organized  
prior to the taking effect of this Act  
provides fifty thousand dollars to be  
paid in cash. Why the distinction?  
As to the payment of capital between  
a company organized prior to the tak-  
ing effect of the Act and one increas-  
ing its capital after the passage of the  
Act: It shows very plainly the intent  
of the law. Payable in cash, and pay-  
able in legal tender money of the United  
States is very distinct.

A cash payment may be made by  
several methods, either by check, draft,  
bill of exchange or note. Legal tender  
payments can only be made (large  
amounts) in United States gold coins.

We contend that we have complied  
absolutely with all requirements of  
Section 7 of Act 69 of the laws of 1903,  
both in reality and with the intents of  
the law.

Investments of Moneys: We fail to  
find any requirements under Act 69  
providing for regulation of investment  
of moneys and if there are any we beg  
that you point out the section thereof  
and in what way you claim we have  
not complied with it.

Methods of Doing Business: We also  
ask that you point out specifically in  
what way the methods of doing busi-  
ness of our company are not in accord  
with the requirements of Act 69.

Assets: We have to take exception  
to your valuation of reality and sundry  
assets of our company in comparison  
with our valuation.

However we propose to call in the  
balance of assessments of the capital  
stock and also dispose of the undesir-  
able assets with the endeavor to make  
it meet with your approval and avoid  
further trouble.

Insurance Business: We will refrain  
from doing any and all kinds of in-  
surance business granted us by you  
under our Certificate of Authority. But  
we propose to continue to do all other  
things (except insurance) granted us  
to do under our Articles of Association  
filed with the Treasurer of the Terri-  
tory of Hawaii March 4th, 1903, and  
duly approved by the Attorney General  
and Treasurer of the Territory of Hawa-  
ii, which among other things pro-  
vides that we shall have power to act  
as surety on bonds, to buy and sell,  
lease, mortgage and otherwise deal in  
real estate and personal property; to  
buy and sell goods, wares and mer-  
chandise; to buy and sell and other-  
wise deal in stocks, bonds and other  
obligations of any corporation, com-  
pany, association, government or  
municipality; to loan money on notes  
or mortgage or other security, and to  
invest money in such enterprises for  
the purpose of investment as the direc-  
tors may deem expedient.

Hoping you will give these matters  
your careful consideration, we remain,  
Yours truly,  
THE FIDELITY INSURANCE CO.,  
LTD. By Emmett May.

**CHRONICLE'S STORY  
OF HANAIEI BOY**

HONOLULU, Nov. 11.—A most pecu-  
liar case of somnambulism occurred  
late near Hanalei, on the island of  
Kauai. William Williams, aged 12  
years, disappeared from his home one  
morning early. When he did not re-  
turn for breakfast, nor later in the  
forenoon, his parents became anxious,  
and search was made for him. After  
some time a native found him lying in  
the shadow of a great boulder, in a  
place very difficult of access. When  
the native saw him he gave a shout,  
partly to announce to the other search-  
ers that the boy was found and also  
to awaken the boy, who seemed fast  
asleep. The shout awoke the boy sud-  
denly, and seeing the native's black  
eyes staring at him, as he afterward  
explained, he thought a wild pig, num-  
bers of which are found in the region,  
was about to attack him. To escape  
the boy climbed a tall coconut tree,  
growing a hundred yards away, and  
as he did not respond nor come down  
when called to, the native climbed up  
after him, but was kept at bay by the  
boy with a twelve-inch knife. Finally  
his father came and spoke to him, and  
then he came down, still in a dazed  
condition, nor did he fully recover con-  
sciousness until he had been taken home  
and been put to bed.

He then had but a very dim con-  
sciousness of his experience. All the  
circumstances indicate that he had  
risen from bed early in the morning,  
put on his working clothes, taken three  
books which had been presented to him  
under his arm, and a long knife used  
in cutting ferns, and started for the  
woods, where he cut a quantity of  
ferns and carried them to where he  
had been found by the native. When  
startled by the shout of the latter he  
still kept his books under his arm  
and his knife in his hand, and climbed  
the coconut palm to the very top, a  
distance of forty or fifty feet, a most  
difficult feat to perform, even to the  
natives with their hands empty and  
their arms free.

The boy was never known to walk  
in his sleep before, but is supposed to  
have been suffering from nervousness,  
following an attack of dengue fever.  
One of the most surprising features of  
the incident is that the boy had never  
climbed a coconut palm before.—  
Chronicle.

**Niblack Is Returning.**  
Captain Rodman received a cable-  
gram from Lieutenant Commander  
Niblack yesterday, saying that he ex-  
pected to sail on the Alameda. He  
cabled that he was coming alone.

Commander Niblack was married re-  
cently in San Francisco and his wife's  
father was suddenly taken ill, neces-  
itating her remaining. It is possible  
that Niblack may have his leave ex-  
tended.

It is possible that Niblack may have his leave ex-  
tended.

It is possible that Niblack may have his leave ex-  
tended.

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tended.

It is possible that Niblack may have his leave ex-  
tended.



It's an easy job for the barber to  
part the hair on a head like this.  
It's just as easy to prevent baldness  
if you only do the right thing.  
Baldness is almost always a sure  
sign of neglect; it is the story of neg-  
lected dandruff.  
Dandruff is untidy, unnecessary, and  
unhealthy.

**Ayer's Hair Vigor**

cures dandruff and prevents baldness.  
You save your hair and you are spared  
the annoyance of untidy clothing.  
It also stops falling of the hair, and  
makes the hair grow thick and long.  
Do not be deceived by cheap imita-  
tions which will only disappoint you.  
Make sure that you get the genuine  
Ayer's Hair Vigor.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

## THE LOAN FUND.

[The Official and Commercial Record.]

The disposition of the loan fund is  
one of the earliest questions which  
will have to be decided by the new terri-  
torial administration. One million dol-  
lars has been borrowed. Interest is be-  
ing paid thereon and the sooner the  
money can be put in circulation and  
begin to bring some return, the better.

Governor Carter has expressed doubts  
as to whether certain of the appropria-  
tions to be paid out of the loan fund  
are proper, on the ground that they  
are purely local in character, and  
should therefore be paid by the several  
counties and not by the territorial  
treasury.

Involved in this doubt are the appropria-  
tions for the Honolulu sewerage  
system and the extension of the water  
works.

Both of these objects are vital to  
the health and progress of Honolulu.  
So vital are they, that the Record sug-  
gests to Governor Carter that before  
deciding the matter he take the advice  
not only of the Attorney General but  
of some of the other leading lawyers  
of the city.

The question involved is largely that  
of the legal power of the legislature  
to appropriate money for local purposes.  
The following suggestions are pre-  
sented as food for thought in this con-  
nection:

Whatever may be the case after the  
county governments are in existence,  
there does not seem as yet to be any